



January 12, 2016

HOUSE BILL No. 1172

DIGEST OF HB 1172 (Updated January 12, 2016 10:29 am - DI 84)

Citations Affected: IC 25-8.

Synopsis: Cosmetology. Adds to the definition of "cosmetology": (1) removing superfluous hair from the body by the use of depilatories, waxing, or tweezers; (2) shaving or trimming beards and mustaches; and (3) giving facials, applying makeup, and giving skin care. Makes changes to the definition of "manicuring". Defines "pedicuring" as cleaning, dressing, polishing, sculpting, tipping, or wrapping the nails of a person's foot. Makes certain changes to the requirements to obtain a beauty culture school license. Requires the state board of cosmetology and barber examiners to adopt rules concerning the minimum amount of space, equipment, and supplies for specific courses of study a beauty culture school offers. Allows the board to adopt rules allowing curriculum offered by a beauty culture school to be delivered within a distance learning environment. Allows an applicant for a cosmetologist license or an esthetician license to be at least 17 years of age.

Effective: July 1, 2016.

Schaibley, Goodin

January 7, 2016, read first time and referred to Committee on Employment, Labor and Pensions.
January 12, 2016, reported — Do Pass.

HB 1172—LS 6968/DI 109



January 12, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1172

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-8-2-5, AS AMENDED BY P.L.170-2013,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 5. (a) "Cosmetology" means performing any of the
4 following acts on the head, face, neck, shoulders, torso, arms, hands,
5 legs, or feet of a person:
6 (1) Cutting, trimming, styling, arranging, dressing, curling,
7 waving, permanent waving, cleansing, bleaching, tinting,
8 coloring, or similarly treating hair.
9 (2) Applying oils, creams, antiseptics, clays, lotions, or other
10 preparations to massage, cleanse, stimulate, manipulate, exercise,
11 or beautify.
12 (3) Arching eyebrows.
13 (4) ~~Using depilatories.~~ **Removing superfluous hair from the**
14 **body by the use of depilatories, waxing, or tweezers.**
15 (5) Manicuring and pedicuring.
16 (6) **Shaving or trimming beards and mustaches.**
17 (7) **Giving facials, applying makeup, and giving skin care.**

HB 1172—LS 6968/DI 109



(b) "Cosmetology" does not include performing any of the acts described in subsection (a):

- (1) in treating illness or disease;
- (2) as a student in a beauty culture school that complies with the notice requirements set forth in IC 25-8-5-6;
- (3) in performing shampooing operations; or
- (4) without compensation.

(c) "Cosmetology" does not include performing the act of threading.

SECTION 2. IC 25-8-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. "Manicuring" means cleaning, dressing, polishing, sculpting, tipping, or wrapping the nails of a ~~person~~ **person's hand**.

SECTION 3. IC 25-8-2-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18.5. "Pedicuring" means cleaning, dressing, polishing, sculpting, tipping, or wrapping the nails of a person's foot.**

SECTION 4. IC 25-8-3-5, AS AMENDED BY P.L.170-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Each of the members of the board must reside in Indiana.

(b) The members of the board must meet the following qualifications:

- (1) Two (2) of the members must:
 - (A) possess a current cosmetologist license; and
 - (B) have practiced cosmetology in Indiana continuously for at least five (5) years immediately before appointment.
- (2) Two (2) of the members of the board must:
 - (A) possess a current barber license; and
 - (B) have practiced barbering in Indiana continuously for at least five (5) years immediately before appointment.
- (3) One (1) of the members must be an owner or operator of a beauty culture school. However, the member may not be a licensed barber or cosmetologist.
- (4) One (1) of the members must be licensed as an electrologist, an esthetician, or a manicurist.
- (5) One (1) of the members must not have any association with ~~cosmetology or barbering~~, **the practice of beauty culture**, except as a consumer.

SECTION 5. IC 25-8-5-3, AS AMENDED BY P.L.170-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. **(a)** The application described in section 2 of



1 this chapter must state that:

- 2 (1) as a requirement for graduation, the proposed school will
 3 require its students to successfully complete ~~at least the one~~
 4 ~~thousand five hundred (1,500) the~~ hours of course work required
 5 **by the student's specific course of study** to be eligible to sit for
 6 the licensing examination;
 7 (2) no more than ten (10) hours of course work may be taken by
 8 a student during one (1) day;
 9 (3) the course work will instruct the students in all theories and
 10 practical application of the students' specific course of study;
 11 (4) the school will provide ~~one (1) instructor for each twenty (20)~~
 12 ~~students or any fraction of that number; an adequate number of~~
 13 **instructors based on the subject matter and manner by which**
 14 **the material is being taught;**
 15 (5) the school will be operated under the personal supervision of
 16 a licensed beauty culture instructor;
 17 (6) the ~~person~~ **proposed school** has obtained any building permit,
 18 certificate of occupancy, or other planning approval required
 19 under IC 22-15-3 and IC 36-7-4 to operate the school;
 20 (7) the school, if located in the same building as a residence, will:
 21 (A) be separated from the residence by a substantial floor to
 22 ceiling partition; and
 23 (B) have a separate entry;
 24 (8) as a requirement for graduation, the proposed school must
 25 administer and require the student to pass:
 26 (A) a final practical demonstration examination of the acts
 27 permitted by the license; and
 28 (B) the written examination required under IC 25-8-4-7(b).
 29 (9) the applicant has paid the fee set forth in IC 25-8-13-3.

30 **(b) The hours of course work required under subsection (a)(1)**
 31 **for a student to sit for a licensing examination must be at least one**
 32 **thousand five hundred (1,500) hours if the student's course of study**
 33 **leads to the student sitting for either the cosmetology or barber**
 34 **licensing examination.**

35 SECTION 6. IC 25-8-5-4, AS AMENDED BY P.L.170-2013,
 36 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2016]: Sec. 4. The board may adopt rules under IC 4-22-2
 38 requiring that:

- 39 **(1)** the curriculum offered by a beauty culture school licensed
 40 under this chapter provide a minimum number of hours of
 41 instruction of each of the subjects described in section ~~3(3)~~
 42 **3(a)(3)** of this chapter; **and**



(2) the facility be equipped with a minimum amount of space, equipment, and supplies for the specific courses of study the beauty culture school is offering to allow for flexibility in spatial design and equipment needs when the beauty culture school's curriculum and instructional approach is taken into consideration.

SECTION 7. IC 25-8-5-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.6. The board may adopt rules under IC 4-22-2 that will allow curriculum offered by a beauty culture school licensed under this chapter to be delivered within a distance learning environment. Instructors used in the distance learning environment must be licensed under IC 25-8-6.

SECTION 8. IC 25-8-9-3, AS AMENDED BY P.L.170-2013, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The application described in section 2 of this chapter must state that the applicant:

- (1) is at least ~~eighteen (18)~~ **seventeen (17)** years of age;
- (2) has successfully completed the tenth grade or received the equivalent of tenth grade education;
- (3) has graduated from a beauty culture school;
- (4) has received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for cosmetologist license applicants prescribed by the board;
- (5) has not committed an act for which the applicant could be disciplined under IC 25-8-14; and
- (6) has paid the fee set forth in IC 25-8-13-7 for the issuance of a license under this chapter.

SECTION 9. IC 25-8-12.5-4, AS AMENDED BY P.L.177-2009, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. To receive a license issued under this chapter, a person must:

- (1) be at least ~~eighteen (18)~~ **seventeen (17)** years of age;
- (2) have successfully completed the tenth grade or received the equivalent of a tenth grade education;
- (3) have graduated from an esthetics program in a ~~cosmetology~~ **beauty culture** school;
- (4) have received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for esthetician license applicants prescribed by the board;
- (5) not have committed an act for which the person could be disciplined under IC 25-8-14; and



- 1 (6) pay the fee set forth in IC 25-8-13-11 for the issuance of a
2 license under this chapter.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1172 as introduced.)

GUTWEIN

Committee Vote: Yeas 9, Nays 1

HB 1172—LS 6968/DI 109

